

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

United States of America,

Case No. 3:11 CR 26

Plaintiff,

O R D E R

-vs-

JUDGE JACK ZOUHARY

Bernie Augustyniak,

Defendant.

This criminal case was referred to United States Magistrate Judge James Knepp, with consent of the parties, to conduct a change of plea hearing. The Magistrate Judge has filed his Report and Recommendation (R&R) (Doc. No. 11); no Objection has been filed.

I have reviewed the hearing transcript and find that Defendant was properly afforded his rights under the United States Constitution; the requirements of Federal Criminal Rule 11 have been satisfied; and Defendant was correctly found to be competent, aware of the charges and consequences of conviction and the waiver of his rights.

The Magistrate Judge also correctly found Defendant had consented to the Magistrate Judge and has entered a knowing, intelligent and voluntary plea of guilty. Finally, the Magistrate Judge also correctly found an adequate factual basis for the guilty plea.

After a *de novo* review of the record and R&R, the Magistrate's findings are adopted, Defendant's guilty plea is accepted, and a finding of guilty is entered.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

February 24, 2011